



CITY OF MORGAN HILL

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PLANNING COMMISSION MINUTES

REGULAR MEETING

MAY 23, 2000

PRESENT: Kennett, Lyle, McMahon, Mueller, Ridner, Sullivan

ABSENT: Pinion

LATE: None

STAFF: Planning Manager (PM) Rowe, Senior Engineer (SE) Machida and Office Assistant II Dieter

REGULAR MEETING

Vice-Chair Kennett called the meeting to order at 7:00 p.m.

DECLARATION - POSTING OF AGENDA

Office Assistant II Dieter certified that this meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

PUBLIC COMMENTS

The meeting was opened to public comments.

There being no comments, Vice-Chair Kennett closed the public comments.

MINUTES

MAY 9, 2000

COMMISSIONERS LYLE AND MUELLER MOTIONED TO APPROVE THE MINUTES FOR THE MAY 9, 2000 MEETING. THE MOTION CARRIED ON A VOTE OF 6-0, WITH PINION ABSENT, WITH THE FOLLOWING AMENDMENTS:

- 1) Page 8, paragraph 5, amended to read: "...various administrative groups actions caused by"
- 2) Page 8, paragraph 5, last sentence amended to read: "...third plan check is not

required”

- 3) Page 12, paragraph 2, corrected to read: “....**MOTIONED TO IMPROVE**
- 4) Page 14, paragraph 2, corrected to read: “.....widening is ~~to~~ **2** years offset.....”
- 5) Page 4, paragraph 3, Commissioner Mueller’s comments were removed from motion and noted as separate comments.

OLD BUSINESS:

1) REVIEW

SE Machida presented the staff report. SE Machida recommended the Planning Commission fund the five year Capital Improvements Plan to be consistent with the **DRAFT FY 2000-01** Commission fund the five year Capital Improvements Plan to be consistent with the **THRU 2004-05 CIP** within the General Plan by adoption of Resolution No 00-24.

Vice-Chair Kennett opened the public hearing.

COMMISSIONER MUELLER MOTIONED TO ADOPT RESOLUTION NO 00-24 WITH AN ADDITION TO SECTION THREE THAT READS: “FOR THOSE PROJECTS THAT DO NOT HAVE A SPECIFIC LOCATION, THE PLANNING COMMISSION RESERVES JUDGEMENT AS TO WHETHER IT IS CONSISTENT WITH THE GENERAL PLAN UNTIL THEY SEE A FINAL LOCATION.

Commissioner Lyle stated that he would vote against the Resolution, because he felt that not enough information was presented for the Commission to evaluate the CIP impacts. Commissioner Lyle further stated that it is not clear, even though these are good programs, that the CIP sufficiently addresses the General Plan needs with respect to public safety and infrastructure.

Commissioner McMahon agreed with Commissioner Lyle and added she does not think that priorities are clearly spelled out and that it is difficult to see how monies are allocated, since they don’t have priorities as part of this action.

VICE CHAIR KENNETT SECONDED THE MOTION TO APPROVE RESOLUTION NO. 00-24. THE MOTION CARRIED ON A VOTE OF 5-1-1 /AS FOLLOWS: AYES: KENNETT, MCMAHON, MUELLER, RIDNER, SULLIVAN, NOES: LYLE, ABSENT: PINION.

Commissioner Mueller stated as a follow up, that he would like to propose that the Planning Commission send, via minute action, approval recommendations to the City Council on the following priorities on CIP effecting the City of Morgan Hill for both the current and future fiscal years:

- 1) Public safety including police and fire protection infrastructure requirements
- 2) General infrastructure requirements to meet needs for the City, notwithstanding the fact that the Planning Commission realizes the needs the City has for Recreation Facilities.

Commissioner Mueller continued to state that while planning these larger CIP projects, they have to look at the basic need requirement as they go forward. He pointed out that the

Commission is concerned that this plan does not weight these items heavy enough. The Commission would like several items addressed the first year of the CIP:.

- 1) The Signalization at Main and Condit.
- 2) Engineering study, planning and grant preparation for the Tennant overpass widening, with the understanding that the School District is looking at Tennant and Murphy site for the new high school.
- 3) Planning and preparation of infrastructure work should start in preparation for the North Coyote Valley Research Park and access how that development would impact the city.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS:

**2)ZA-00-07:CITY
OF MH SUB COM-
MITTEE
RECOMMENDA
TION FOR
CHANGES
TO THE
RDOS
STANDARDS
AND
CRITERIA**

A request to amend Chapter 18.78 of the Morgan Hill Municipal Code, amending the evaluation standards and criteria for the proposed residential developments as set forth set forth in Section 18.78.330 of the Municipal Code.

PM Rowe presented the staff report. PM Rowe recommended action to forward recommendation to City Council to approve changes to RDOS as stated in Resolution No. 00-29 Commission discussion ensued.

Commissioner Ridner asked PM Rowe to characterize the nature of the fine-tuning this year compared to last year. Commissioner Mueller states that quality of construction is the only place where substantial change goes beyond code.

Vice-Chair Kennett opened the for Public Comments

Rocke Garcia of Glenrock Builders thanked committee members for allowing him participate on the Measure P sub-committee. He commented on the rewording of criterion B4A on page V-35, that he was in support of Staffs' changes PM Rowe spoke about.. Mr. Garcia requested that next year the sub-committee address issues under Recreational Amenities Larger projects should be able to utilize the 1 pt category, so that some of these amenities could be used in the larger projects.

Scott Schilling of South Valley Developers commented on the of Quality of Construction category which has the most significant changes. Page V-50, criteria 4A; Class A roof covering such as lightweight concrete or better. If written this way Mr Schilling observed that every project would provide concrete tile or Spanish tile and there will no composition roofs on open market projects. There are on going projects with composition roof that have gotten points in the past. If they need the point in middle of project, they would be switching to a completely different roof style. The ability to maintain architectural style throughout a project would be a problem. He feels we should grandfather in for continuing projects. Mr Schilling would also like criterion B4, the 1 point for complete plywood wrap, to remain in the scoring criterion.

Vice-Chair Kennett closed of public comment

Commissioner McMahon thanked all those who participated in the sub-committee meeting. Commissioner McMahon recommended the commission address Mr. Schilling's issues. Did the Commissioners who sat on sub-committee give any thought about being half way through a project and having change roof tile to be able to get awarded the point. Commissioner McMahon wants the language changed to say "equivalent of or better than tile" PM Rowe stated as you are familiar, all projects routinely receive the maximum points in this category. Point opportunities are in excess of the maximum that are give out, so not choosing to change roof material would not adversely effect the projects.

Vice-Chair Kennett mentioned that the concern from last year regarding balconies and courtyards. PM Rowe stated you could say lightweight concrete tile and then insert other architectural composition. Commissioner Mueller commented that the Commission needs to get away from adding points for the norm, and only add some value. The Commissioners all agreed.

Commissioner Lyle summarized the two potential changes as follows: 1) Changes to V35, 4A and wordsmith it to 16 to 80; and 2) modify page 50, 4A to include architectural composition roof as an option. PM Rowe was requested to make changes to B3, to exempt the auto-dial monitoring from multi-family projects.

VICE-CHAIR KENNETT AND COMMISSIONER MUELLER MOTION TO ADOPT RESOLUTION NO 00-29, WITH THE CHANGES AS STATED. THE MOTION CARRIED 6-0, WITH PINION ABSENT.

3) EXCEPTION TO LOSS OF BUILDING ALLOCATIONS, ELBA-00-05: NINA LANE-DOAN: Vice-Chair Kennett stepped down from the dias in order to avoid a possible conflict of interest. Commissioner Ridner took over as chair at this point.

A request for approval of extension of time to avoid the loss of five building allocations awarded through the Residential Development Control System (Measure P). The five-unit project is located on the west side of Nina Lane south of San Pedro Ave. PM Rowe presented the staff report, and recommended the Commission's approval of Resolution No. 00-30 for the ELBA request of a 12 month extension of time.

Commissioner Ridner opened the meeting to public comment.

Dustin Bogue stated Wellington Homes has been in contract on this property for 1 year. He stated that they are the developer, and will exhaust all mitigation options. This issue of contamination arose from an article in Morgan Hill Times, noting the that article referred to the school property. Now everything hinges on an extension, preferable a 12-month extension; we feel that there are a lot of items that could arise that we don't know about. As far as post extension our intention would be to acquire as much information as possible and make proper decision at the time. Hoping that you will approve approve.

Commissioner Sullivan asked if they thought about ground water contamination? Would Mr. Bogue stated that they have not tested the ground water, but does know that the contaminant is a metal type It is permanent fixture till it is removed. Our intention is to do right by the

property owner, but they have to keep in mind a business sense. Commissioner Sullivan asked if the company would back off and not do the mitigation. Dustin Bogue stated that it is possible they would back off, then one of the options for the property owner would be to remediate the soil. They could remove the soil or inject a chelating agent into soil. Commissioner Lyle asked what would be the scenario, to hire someone for remediation, is that 30 days from now, 60 day. Dustin Bogue stated he was not sure, spent a full 30 days on searching the Internet and talking with professionals already. Wellington would not want to commit to a time line that he and the Doans could adhere to.

Commissioner Lyle asked whether or not they have a plan. Commissioner Lyle is concerned about having Wellington back for another extension next year.

Commissioner Mueller summarizes that once they have a Santa Clara County adopted remediation plan, it is conceivable that while they are implementing the plan that they would finish the planning process with the city. Also that they would like to solve this problem as long as there is a cost-effective solution.

Commissioner Ridner closed the public hearing.

Commissioner Lyle stated that he wanted them to have some kind of a schedule. He can except a year extension but not the development schedule in exhibit B. He would like to see a checkpoint whether it is for the August RDCS report or independent of that report or the November RDCS. Furthermore Commissioner Lyle stated if this isn't well under control and a plan agreed to by November then we should be looking at declaring it delinquent and potentially revoking the allocations. Commissioner Lyle would like to see exhibit B modified with some hard checkpoints. Commissioner Mueller agreed that there should be checkpoints so that we can be sure that progress is being made.

Commissioner Lyle stated that we normally have a RDCS report in November, at the end of October the Commissions should look at the status then. If Wellington does not have a remediation plan in place and at least be out for bid, in that six-month period they would not be able to make this in one year.

Commissioner McMahon stated that Commission would not want to be left with contaminated property. It is in the city's best interest to give the owner as much latitude as they reasonably can.

Commissioner Sullivan would be against setting any deadlines.

Dustin Bogue interjects that he thinks we need to keep in mind that the owners live there. Their motivation is to clean this up. In dealing with remediation we are dealing also with other agencies outside of Morgan Hill that tend to be laborious. That being known we don't know what the deadlines could be. Commissioner Ridner stated that he would agree that we want to give applicant every benefit of the doubt in terms of being able to resolve issues.

COMMISSIONERS MUELLER, MOTIONED TO APPROVE RESOLUTION NO. 00-30, SECOND BY COMMISSIONER MCMAHON, ALL OTHERS IN FAVOR, COMMISSIONER LYLE WAS APPOSED, WITH PINION ABSENT AND

KENNETT ABSTAINING, WITH THE FOLLOWING AMENDMENTS: COMMISSION SHOULD GET STATUS REPORT ON REMEDIATION WITH NORMAL QUARTERLY REPORTS SO COUNTY WILL KNOW THAT THE CITY IS PAYING ATTENTION TO THIS PROJECT.

Commissioner Mueller asked for report back, staff is taking action on the larger parcel that has two other finished projects, that was part of original ranch. Planning staff will be looking into what studies were done prior to those developments. City may want to take action to notify property owners who bought homes on the original ranch. Commissioner Mueller feels that they need to see if other citizens are living in these similar conditions. Commissioner Lyle wanted to extend, in that, if they have allocated some more allotments to another project right next to this one. Commissioner Lyle thinks staff should put something in to the development agreement to make sure that testing is done immediately on future projects. Commissioner Mueller stated that we have had plenty of notice now that there is a problem in this area and that we are in violation of the requirements, feels that they need to frame this for the citizens in the area.

**4)EXCEPTION
TO LOSS OF
BUILDING
ALLOCATION
ELBA-00-06:
CHRISTEPH-
KOSICH:**

A request for an Exception to the Loss of Building Allocation for a single dwelling unit building allotment awarded for fiscal year 1999-2000.

The proposed project is located a 1.74 acre parcel at the southerly end of Christeph Dr., south of Llagas Rd.

PM Rowe presented the staff report.

Vice-Chair Kennett opened public comment

Commissioner Ridner expressed concern that someone could get allocation without have established ingress and egress and also having an idea of how they were going to secure utilities to the sit. Commented that he understood the difficulties of working with Fish and Game and the water district.

PM Rowe advised that Measure P is not a development approval. Those type of things don't need to be in place. The property is not land locked, the property can be reached by Christeph Dr. However the best method for the property owner would be to extend the existing street on that side of creek already. That would have to extend over adjacent property, the owner of that land feels that the extension would impact his ability to further divide his property.

Commissioner Sullivan cited for the letter of March 27th, to your knowledge has there been any progress, Has a Fish and Game permit been applied for? PM Rowe advised that to his knowledge no progress has been made. A Fish and Game permit has been applied for with fieldwork to begin in early April.

Vice-chair Kennett opened public comment

Larry Matteson handed out and reviewed time line on actions with Fish and Game. He stated that the map has been submitted to Planning and they are waiting on approval of bridge

improvement plans. Once they know all cost; we will attempt to approach Mr. Duffy with a cash commitment in exchange for access and utilities. Commissioner Mueller questioned the staff as to the preferred city approach?

Larry Matteson advised that the bridge in question is designed as a temporary bridge, it could be removed at such time that Llagas Creek Drive does go through. Commissioner Mueller asked at whose expense? Larry Matteson advised at the cost of the developer. Commissioner Mueller then asked if the developer was going to bond to remove the bridge, even if it's 10 years from now. Larry Matteson stated that it is a simple processes where the bridge company buys back the platform.

Commissioner Mueller noted that it sound like easement across adjacent property is being held up by somebody who has an unrealistic expectation of what he is being able to do. Questioned how much weight has the city put into this process. PM Rowe wanted to know if he meant, "is the city willing to force the issue". Commissioner Mueller continued "are we going to force it, no, but the adjacent property owner needs to know that a Cul-de-sac is not something we are going to look favorably on if and when he should ever decided to develop. PM Rowe advised that it is reasonable to say that when the neighboring owner wishes to subdivide that it would be the recommendation to extend the existing street. It was envisioned that Llagas Creek Dr would serve to access the neighboring property as well as this subject property.

Commissioner Lyle wanted to know what the expectation was of when the property would be built out? When this letter was written made it sound as if there was a question whether or not June 30 could be made, that is not speculative any more, but does that mean that a year is required? Larry Matteson stated that he expects at least another 2 to 3 months with Fish and Game. The City's study of West Llagas Creek channelization and extension of Llagas Creek Drive already addressed the issue. They need to convince Fish and Game of this; There are no Burrowing Owls, the red-legged frog is the only thing that Fish and Game has come up with. At that point if the Fish and Game do not refer them to Federal Fish and Wildlife he thinks they could have this solved in the next 2 to 3 months. PM Rowe stated that applications are in place now, they were filed March 22, 2000. Commissioner Lyle wanted to know when they would start construction? Larry Matteson answered; 8 months to a year.

Vice-chair Kennett closed public comment.

Commissioner Ridner stated that he is loath to withdraw entitlements from people who go through Measure P process, he would most likely vote to extend the allocation period, but would like to see a more definitive schedule. PM Rowe noted that they do have application filed for approval for Development Agreement which means that we will have and Exhibit B development schedule to the Commission in the next 45 days. The Commission can then give direction to have staff address this in the development agreement. They can adopt some intermediate time lines to monitor the progress. PM Rowe stated that he feels that 6 months is adequate and wouldn't want to extend any further.

COMMISSIONERS KENNETT/SULLIVAN MOTIONED TO APPROVE RESOLUTION NO. 00-31 FOR 6 MONTHS, WITH THE FOLLOWING AMENDMENTS: CORRECT TERM OF EXTENSION IN PARAGRAPHS 3 AND

4 AND SECTION 2 FROM 12 MONTHS TO 6 MONTHS. THE MOTION CARRIED 6-0, WITH PINION ABSENT.

Commissioner Mueller restated the necessity of having intermediate check points.

OTHER BUSINESS:

**5)RECOM MEN-
DATION FOR
THE NUMBER
OF ALLOCA-
TIONS
AWARDED
AND
DISTRIBUTED
FOR FY 2002-03
MARKET COMP.**

PM Rowe presented the staff report.

Commissioner Mueller wanted to know how many units are in the pipeline with approved allocations? PM Rowe stated that there are about 600 units. Commissioner Mueller asked if 20 or 30 % would still go to older projects this next year.

Commissioner Mueller wanted to know, in last competition how many housing units to the pool of units that have not been allocated did we add. Also before last allocation what was the number of units that were backlogged on existing projects. Also, when we approved most of the new units this year, how many did we add to the backlog? Therefore 30 units have been added to the backlog, at least 2 of the projects are new projects that require subsequent phase allocations to complete.

Commission Sullivan noted thinks that the issue of open market multi-family projects will be satisfied by the point changes that have been done. Another concern she had was about an article in Morgan Hill Times regarding the Bible College, would the eight hundred the students be counted against our available housing? PM Rowe stated that it may factor into the available allocation; if it is counted in terms of population. Commissioner Lyle advised that the Bible College currently has 400 students and not all of those would live on campus in Morgan Hill.

Vice-Chair Kennett opened public comment.

Speakers were Scott Schilling South Valley Developers, Dick Oliver of Dividend Homes, Rocke Garcia of Glenrock Builders and Carolyn Hipp form Warmington Homes.

Vice-Chair Kennett closed public comment.

Vice-Chair Kennett wanted to know how can we address backlog and could we do some sort of emergency allocation for on going projects for next 3 years? Commissioner Lyle advised that we could not do an emergency allocation, feels that the best we can do is look at reducing some of the micro and small project allocations. Feels that some of old iniquities will be taken care of from prior action earlier this evening. He feels that on going projects will be able to compete more equally than they did in previous competition. Therefore doing the set aside is not worth while; feels that on the micros we should reduce them to 6 units. On small projects, there are 15 proposed but there where already 12 units that were allocated for that year. If we make those changes that would give 18 more units, this would take us from 55 to 73 on market rate. Another thing we could do is add a section on page 2 of resolution, item #C, “

It is recommended that the City Council continue to authorize the Planning Commission to make adjustment.” We could add into that if the census comes in with lower numbers prior to the award of this year’s competition, that the Planning Commission is authorized to adjust the numbers up.

Commissioner McMahon inquired as to whether we should do this retrospectively?

Commissioner Lyle declares that he doesn’t think that it is wrong to raise numbers for the market rate, we may have thought we would have 73 then it turns out we can have 100.

Commissioner Mueller wanted to know how many of the allocations are for small projects. PM Rowe stated the number is 12. Commissioner Mueller said we should take out the small project. The micro should come up to 6. Commissioner Lyle advised we still need one for a 1 or 2-unit project, also. We are about to have a one-unit application.

Commissioner Lyle asked if he is saying the 179 is going to drop? It won’t drop like the last 4 or 5 years. If you look at the number of units that we built in the fiscal year 97-98, we had 384 building permits pulled. In 98-99 we had 411. Ten months into this fiscal year we have 106 pulled. One year ago at this time we had 930 units in backlog. This year we are down to 590. Commissioner Mueller noted that he remembers the last years of Measure E and the units dropped dramatically year to year when we hit this time point. PM Rowe advised that there were other reasons, the market was there for Senior Housing which was exempt. We had 103 unit senior housing and 33 unit senior housing and about 150 units under the 4 unit exemptions.

Commissioner Ridner would recommend that they should let the small projects compete with the open market and reduce the number of Micro Measure P. Mentions the conference put on by the county for increasing density on the transportation corridor to relieve pressure on the roads. Feels that we need to re-look at the paradigm of what we are trying to do in this city and how we can accomplish more reasonable housing growth in a way that will be view as a benefit to the city.

Commissioner Sullivan is most concerned that the old and the new compete on an equal basis. Feels that the west and the east competition were not equal. Is in favor of changing Micros and have them go down to 6, thinks they should compete and not just be granted. The smalls should also be in the open market.

Commissioner McMahon notwithstanding that she would like the builders that have projects get as many allocations as we can. Pull small projects or rearrange the competition. Advised that she feels this proposal is inadequate. Vice-Chair Kennett agrees that we should eliminate small projects and change micros to 6.

Commissioner Lyle stated that they just need to let people compete. Commissioner Ridner advises that once you let a developer start a project that we have made a commitment to him to get to the end of the project. Feels that we need to take affirmative action to make sure that a project has the ability to get to completion. Commissioner Mueller said that we need to keep the projects moving,

Commissioner McMahon stated that she is in favor in manipulating the competition annually. Pull the small projects and the micro and giving more too large projects.

Wayne O'Connell asked that the commission look at small projects, noted that they have always scored at a differential of 3 or 4 points below large projects. Asked for consideration on this issue.

Commissioner Kennett asked are all in favor of this, now do we want to have a set aside for existing on going projects.

COMMISSIONER LYLE MOTIONS TO MAKE CHANGES TO RESOLUTION00-34 SECTION 2A, TO SAY 6 IN ONE PLACE AND 137 IN THE OTHER, SECTION B ENTIRE PARAGRAPH NEEDS TO BE REWRITTEN.

Commissioner Mueller advised that we might want to show what's in the recommend second year total. With one other question before we wrap up. When will council get census report? Thinks they get report then a chance to react to it. PM Rowe believes they won't get any numbers till the fall of this year. Then after the first of the year to get the population as of April 1, 2001. Commissioner Mueller advised to put language in like Ralph would suggest. Right as we go into final competition there may be more units. If council agrees with census, at the end of scoring, the council could follow the percentage guidelines that we have set. The extra units would be set up for open market. Give us the option to take action to increase the number. If numbers are up we would not want to take corresponding action and reduce it. Need to have flexibility to raise numbers if it's within the Measure P guidelines and we have excepted census numbers? Commissioner Lyle stated it would be a change to paragraph C.

PM Rowe summarized that the number of units may be increase based on the adjusted population count from the year 2000 census. Put something to that effect with any increase allocations to apply to the open market competition. Adjusted upwards.

Vice-Chair Kennett calls for the motion.

COMMISSIONERS SULLIVAN/MCMAHON MOTIONED TO APPROVE RESOLUTION NO. 00-34, WITH THE FOLLOWING AMENDMENTS: WITH AMENDMENTS AND ADJUSTMENT THAT WE HAVE DISCUSSED. THE MOTION CARRIED UNANIMOUSLY

**6)APPOINTMENT
OF A PLANNING
COMMISSIONER
TO THE FIRE PRO
TECTION AND
EMERGENCY
MEDICAL
MASTER PLAN
TASK FORCE.**

PM Rowe presented the staff report. Request from you this evening would be to appoint a member from the commission to be representative from the task force and represent the commission in that capacity.

Vice-chair Kennett asked for a volunteer.

Commissioner Mueller volunteered as he was vice-chair for the last one

VICE-CHAIR KENNETT STATED THAT THEY HAVE A NOMINATION IN COMMISSIONER MUELLER. ALL IN FAVOR, CARRIED UNANIMOUSLY.

ANNOUNCEMENTS:

City Council moved up first meeting of this month to May 10th, and they approved the commissions recommendation to amend the planning and development for the Morgan Hill Ranch. To re-designate the one hotel site to RD Manufacturing.

Other items continued one dealing with Zoning Amendment for E. Dunne-Shaw, the shared Use Sign Application. That will go to them June 7, 2000. Also the Vesting Tentative Map Action which you had considered the night before. Given the fact that the meeting was moved up we continue that to there meeting of tomorrow night.

County Planning Commission is sponsoring a meeting on June 15th. If you are interested in attending we will reserve a spot for you.

ADJOURNMENT: There being no further business, Vice-Chair Kennett adjourned the meeting at 9:15 p.m.

MINUTES RECORDED AND PREPARED BY:

PHYLLIS M. DIETER
Office Assistant II

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